

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JULIAN AGUERO,

Petitioner,

v.

WARDEN, FCI-TEXARKANA,

Respondent.

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CIVIL ACTION NO. 5:22-CV-71-RWS-JBB

ORDER

Before the Court is Petitioner Julian Aguero's petition for writ of habeas corpus under 28 U.S.C. § 2241 challenging the computation of his sentence. Docket No. 1. The case was referred to United States Magistrate Judge Boone Baxter in accordance with 28 U.S.C. § 636.

Petitioner sought credit for time which he allegedly spent in federal custody, but which had been credited to his consecutive state sentence. Docket No. 1. The Magistrate Judge issued a Report recommending that Petitioner's writ of habeas corpus be dismissed with prejudice, as the computation of his sentence was calculated correctly. Docket No. 17. Petitioner received a copy of the Report on April 24, 2024. Docket No. 18. To date, no objections have been received.

Because no objections have been received, Plaintiff is barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

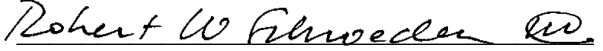
The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge.

Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

ORDERED that the Report of the Magistrate Judge is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Petitioner's writ of habeas corpus is **DISMISSED WITH PREJUDICE**.

So ORDERED and SIGNED this 5th day of August, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE